

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC., a Delaware
corporation,

Plaintiff/Counter-Defendant

v.

C.A. No. 04-901 (JJF)

ILLUMINA, INC., a Delaware corporation,

Defendant/Counterclaimant.

STIPULATED ORDER OF DISMISSAL

Plaintiff and Counter-Defendant Affymetrix, Inc. ("Affymetrix") and Defendant and Counterclaimant Illumina, Inc. ("Illumina") hereby stipulate pursuant to Rules 41(a) and (c) of the Federal Rules of Civil Procedure to the dismissal with prejudice of all claims and counterclaims in this action.

The parties further agree that each party shall bear its own costs and attorneys fees incurred in connection with this Civil Action No. 04-901-JJF.

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SO ORDERED this _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE